

## REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH*\*

Attorney Docket  
Number: 12810-00136-US

Application  
Number: 10/552,127-Conf. #6201

Filing Date  
(or 371(b) or (f) Date): October 5, 2005

Patent Number: 7,629,503

Issue Date: December 8, 2009

First Named  
Inventor: Petra Cirpus


Title:  $\Delta$ -4 DESATURASES FROM EUGLENA GRACILIS, EXPRESSING PLANTS, AND  
OILS CONTAINING PUFA

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM  
ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED  
PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION  
IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued  
before March 2, 2010, if the sole basis for requesting the recalculation is the  
USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction  
Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States  
District Court for the District of Columbia of the USPTO's patent term adjustment  
determination, a patentee must ensure that he or she also takes the steps required  
under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

\**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

<p>Signature </p>	<p>Date <u>5/3/2010</u></p>
<p>Name (Print/Typed) Roberte M. D. Makowski, Ph.D.</p>	<p>Registration Number 55,421</p>
<p><b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.</p>	
<p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>	